

Council/Agency Meeting Held: _____		City Clerk's Signature _____
Deferred/Continued to: _____		
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied		
Council Meeting Date: 9/6/2005	Department ID Number: PW 05-031	

## CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** HONORABLE MAYOR CITY COUNCIL MEMBERS

**SUBMITTED BY:** *Penelope Culbreth Graft*  
PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

**PREPARED BY:** *Robert F. Beardsley*  
ROBERT F. BEARDSLEY, PE, DIRECTOR OF PUBLIC WORKS

**SUBJECT:** Approve Map Check Agreement with County of Orange

RECEIVED  
CITY CLERK  
HUNTINGTON BEACH, CA  
2005 AUG 11 A 11:30

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)
--

**Statement of Issue:** The Subdivision Map Act in the California Government Code stipulates qualifications for processing survey maps and other related documents. The qualifications have become prohibitive and the Public Works Department proposes that the County of Orange perform such survey document checks.

**Funding Source:** Not required. Fees would be collected by the County.

**Recommended Action:** Approve and authorize the Mayor and City Clerk to execute the Map Check Agreement between the City of Huntington Beach and the County of Orange.

**Alternative Action(s):** Do not approve the County of Orange Map Check Agreement. This action will prevent the city from executing tract maps, parcel maps, lot line agreements and other conditions of development until another acceptable alternative is selected.

E-4

## REQUEST FOR ACTION

MEETING DATE: 9/6/2005

DEPARTMENT ID NUMBER: PW 05-031

**Analysis:** The city's current Zoning and Subdivision Ordinance requires the City Engineer review survey maps and documents such as final maps and parcel maps. However, the Subdivision Map Act states: "The reviews, examinations, certifications and approvals of surveying maps and documents shall only be performed by a person authorized to practice land surveying pursuant to the Professional Land Surveyors Act ...or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers Act..." It has become difficult to retain engineering staff with these credentials. Over the past several years, the current Director of Public Works, or a consulting engineer has performed this task. However, as this unique qualification is not a requirement of the Director position it is appropriate to contract the service.

The Map Act further allows the City Engineer to delegate land-surveying functions to a person authorized to practice land surveying when there is no such person within the city. According to the terms of the agreement, the Orange County Surveyor will check final maps, parcel maps, records of survey, corner records, boundary changes and a variety of similar documents. The county would collect fees for the services at their established rate.

**Public Works Commission Action:** Not required.

**Environmental Status:** Not applicable.

**Attachment(s):**

City Clerk's Page Number	No.	Description
3	1.	Map Check Agreement

E-4.2

E-4.3

**ATTACHMENT #1**

**INTENTIONALLY  
LEFT  
BLANK**

**MAP CHECK AGREEMENT**

This Agreement dated \_\_\_\_\_, is between the County of Orange, California, hereinafter "County" and the City of Huntington Beach, California, hereinafter "City".

**RECITALS**

WHEREAS, certain sections of the Subdivision Map Act in the California Government Code provide as follows:

"66442. County surveyor or city engineer statements on final maps

(a) If a subdivision for which a final map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and state that:

- (1) He or she has examined the map.
- (2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.
- (3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.
- (4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code). The county surveyor, the city surveyor, or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative

E-4.4

body his or her certificate or statement, as required by this section, within 20 days from the time the final map is submitted to him or her by the subdivider for approval."; and

"66450. County surveyor's (or city engineer's) statement

(a) If a subdivision for which a parcel map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and the stamp of his or her seal and state that:

(1) He or she examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map, if required, have been complied with.

(4) He or she satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) of subdivision (a) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) The county surveyor, city engineer, or city surveyor, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete his or her certificate or statement, as required by this section, within 20 days from the time the parcel map is submitted to him or her by the subdivider for approval. The completed parcel map shall be delivered to the county recorder or, if required by local ordinance, filed with the legislative body prior to delivery to the county recorder, within the same

E - 4.5

20-day period."; and

"66451.2. Local agency may establish fees for processing

The local agency may establish reasonable fees for the processing of tentative, final and parcel maps and for other procedures required or authorized by this division or local ordinance, but the fees shall not exceed the amount reasonably required by such agency to administer the provisions of this division. The fees shall be imposed pursuant to Chapter 13 (commencing with Section 54990) of Part 1 of Division 2 of Title 5."; and

"66431. County surveyor may perform city engineer duties

Upon mutual agreement of their respective legislative bodies, the County surveyor may perform any or all of the duties assigned to the city engineer, including required certifications or statements. Whenever these duties have been divided between the county surveyor and city engineer, each officer shall state the duties performed by him or her."; and

**WHEREAS**, the City wishes to have the Orange County Surveyor prepare and/or check Records of Survey, Corner Records, Certificates of Correction, Certificates of Compliance, Lot Line Adjustments, Amending Maps, boundary changes, or other survey maps or documents within the City of Huntington Beach, when requested to do so by City; and,

**WHEREAS**, the Orange County Surveyor is capable and willing to perform such services; and

**WHEREAS**, the data necessary for the examination of final and parcel maps and the data necessary for the examination or preparation of Records of Survey, Corner Records, Certificates of Correction, Certificates of Compliance, Lot Line Adjustments, Amending Maps, boundary changes, or other survey maps or documents are readily available to the Orange County Surveyor; and

**WHEREAS**, it is desired by City and County that the Orange County Surveyor examine such maps within the City or relative to the map boundary with respect to the provisions of the Subdivision Map Act.

**NOW, THEREFORE, IT IS MUTUALLY AGREED** that:

1. Pursuant to Government Code section 66431, the Orange County Surveyor shall certify statements and perform those duties assigned to the city engineer in Government Code sections 66442.(a) (4), and 66450.(a) (4) when requested to do so by City, and when he or she determines that it is appropriate to do so. Certificates

E-4.6

shown on Exhibit A may be modified to conform to State Laws and local ordinances without re-execution of this agreement.

2. When requested by City to do so, the County Surveyor shall:

a. Examine maps relative to the map boundary:

The Orange County Surveyor shall examine such map boundaries with respect to all mapping provisions of the Subdivision Map Act and shall so certify on the face of each map in substantially the following form of Sample Format #1 – of Exhibit A, attached hereto and incorporated herein.

b. Examine entire map regarding subdivisions within the City:

The Orange County Surveyor shall examine such maps regarding subdivisions within the City with respect to all mapping provisions of the Subdivision Map Act and shall so certify on the face of each map in substantially the following form of Sample Format #2 – of Exhibit A.

3. The City Engineer of Huntington Beach shall:

a. In cases where the County Surveyor has been requested by City to examine maps relative to the map boundary, the City Engineer shall:

1) Examine each final and parcel map within the limits of City with respect to its conformity with:

(a) The approved tentative map and conditions of approval thereof and any approved alterations thereto.

(b) All applicable city regulations; and

2) Subsequent to such examination place on the face of such maps his certificate in substantially the following form of Sample Format #3 – of Exhibit A.

b. In cases where the County Surveyor has been requested by City to examine an entire map regarding subdivisions within the City, the City Engineer shall:

1) Examine each final and parcel map within the limits of City with respect to its conformity with:

(a) The approved tentative map and conditions of approval thereof and any

E-4.7



approved alterations thereto.

(b) All applicable city regulations; and

2) Subsequent to such examination place on the face of such maps his certificate in substantially the following form of Sample Format #4 -- of Exhibit A.

4. The City Clerk of Huntington Beach shall certify on the face of each map in substantially the form of Sample Format #5 -- of Exhibit A

5. a. The County, as its sole compensation for the work performed under this Agreement, shall collect from subdividers whose subdivisions are located in City, deposit fees and hourly rates the same as are charged to subdividers for examining and checking maps located in the unincorporated territory of Orange County. Hourly map checking fees are set by the Orange County Board of Supervisors.

b. In order that County may collect the fees provided for herein, the Orange County Surveyor shall be deemed to have the same power as the City Engineer or other city officer responsible for the collection of such fees and that City shall fully cooperate therein.

6. Neither County nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by City under or in connection with any work, authority or jurisdiction delegated to City under this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, City shall fully indemnify, defend and hold County harmless from any liability imposed for injury (as defined by Government Code Section 810.8), occurring by reason of anything done or omitted to be done by City under or in connection with any work, authority, or jurisdiction delegated to City under this Agreement.

7. Neither City nor any officer or employee thereof shall be responsible for any damage of liability occurring by reason of anything done or omitted to be done by County under or in connection with any work, authority or jurisdiction delegated to County under this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, County shall fully indemnify, defend and hold City harmless from any liability imposed for injury (as defined by Government Code Section 810.8), occurring by reason of anything done or

E-4.8

omitted to be done by County under or in connection with any work, authority, or jurisdiction delegated to County under this Agreement.

8. City shall not be liable for the direct payment of any salaries, wages or other compensation to any COUNTY officer or employee, performing any services hereunder for CITY, nor for any injury or sickness arising out of his employment, except as herein otherwise specified.

9. This Agreement shall become effective on the date it is executed by both parties and shall continue in full force and effect indefinitely unless terminated as hereinafter provided.

10. This Agreement may be terminated by either party at the end of any fiscal year by giving written notice of intent to so terminate not later than March 1 prior to the start of the succeeding year on July 1.

11. This Agreement shall supersede any other Agreement between County and City providing for or relating to services to be performed by either party in connection with the subject matter of this Agreement.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

E-4.9

IN WITNESS WHEREOF, City has caused this Agreement to be executed by its Mayor and attested by its Clerk, and County has caused this Agreement to be executed by its Chairman of its Board of Supervisors and attested by its Clerk, each respectively duly authorized by the City Council and the Board of Supervisors.

COUNTY OF ORANGE

Date: \_\_\_\_\_

By \_\_\_\_\_  
Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS AGREEMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD.

Date: \_\_\_\_\_

By \_\_\_\_\_  
DARLENE J. BLOOM  
Clerk of the Board of Supervisors of  
Orange County, California

CITY OF HUNTINGTON BEACH

Date: \_\_\_\_\_

By \_\_\_\_\_  
JILL HARDY, Mayor

Date: \_\_\_\_\_

By \_\_\_\_\_  
JOAN FLYNN, City Clerk

APPROVED AS TO FORM:

Date: \_\_\_\_\_

By Jennifer McGrath  
JENNIFER McGRATH, City Attorney  
WMS/ulos

APPROVED AS TO FORM:  
BENJAMIN P. DE MAYO, COUNTY COUNSEL  
ORANGE COUNTY, CALIFORNIA

By: Thomas A. Millh 8/16/05  
Deputy Date

E-4.10

**INTENTIONALLY  
LEFT  
BLANK**

**EXHIBIT A**  
**CITY MAP CHECK AGREEMENT D05-012**  
**SAMPLE FORMAT CERTIFICATES**

***SAMPLE FORMAT #1 - COUNTY SURVEYOR'S CERTIFICATE***

I hereby state that I have examined this map and have found that all mapping provisions of the Subdivision Map Act have been complied with and I am satisfied said map is technically correct relative to the map boundary.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Raymond L. Mathe, County Surveyor

***SAMPLE FORMAT #2 - COUNTY SURVEYOR'S CERTIFICATE***

I hereby certify that I have examined this map and I am satisfied said map is technically correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Raymond L. Mathe, County Surveyor

***SAMPLE FORMAT #3 - CITY ENGINEER'S STATEMENT***

(TRACT AND PARCEL MAPS)

I hereby state that I have examined this map and found it to be substantially the same as it appeared in the tentative map, if required, as filed with, amended and approved by the City Planning Commission; that all provisions of the Subdivision Map Act and City Subdivision Regulations have been complied with and the map is technically correct in all respects not certified by the County Surveyor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Print (Name / Title)

of City of Huntington Beach

\_\_\_\_\_  
(Signature)

R.C.E. # \_\_\_\_\_

My registration expires \_\_\_\_\_

E-4.11

**EXHIBIT A – Continued**  
**CITY MAP CHECK AGREEMENT D05-012**  
**SAMPLE FORMAT CERTIFICATES**

***SAMPLE FORMAT #4 - CITY ENGINEER'S STATEMENT***

(TRACT AND PARCEL MAPS)

I hereby state that I have examined this map and found it to be substantially the same as it appeared in the tentative map, if required, as filed with, amended and approved by the City Planning Commission; that all provisions of the Subdivision Map Act and City Subdivision Regulations have been complied with. This statement will be effective on the date upon which the County of Orange approves the map as technically correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Print Name / Title)

\_\_\_\_\_  
(Signature)

of City of Huntington Beach

R.C.E. # \_\_\_\_\_

My registration expires \_\_\_\_\_

***SAMPLE FORMAT #5 - CITY CLERK'S CERTIFICATE***

(TRACT AND PARCEL MAPS)

I hereby certify that this map was presented for approval to the City Council of the City of Huntington Beach at a regular meeting thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ and that thereupon said Council did, by an order duly passed and entered, approve said map and did accept on behalf of the public, subject to improvements; the dedication for street purposes of \_\_\_\_\_

\_\_\_\_\_(street name), and did also accept on behalf of the City of Huntington Beach,

said approval to be effective upon the approval of the map by the County of Orange:

1. The storm drain system and appurtenances as dedicated.
2. The domestic water system and appurtenances as dedicated.
3. The sanitary sewer system and appurtenances as dedicated.
4. The subsurface water rights as dedicated.

E-4.12

**EXHIBIT A – Continued**  
**CITY MAP CHECK AGREEMENT D05-012**  
**SAMPLE FORMAT CERTIFICATES**

5. The \_\_\_\_\_ foot public utility easement as dedicated.
6. The \_\_\_\_\_ foot easement for storm drain purposes as dedicated.
7. The vehicular access rights to \_\_\_\_\_  
as released and relinquished. *street name*

The City Council approved the subject map pursuant to the provisions of Section 66436(a)(3)(A) of the Subdivision Map Act, said approval to the effect upon the approval of the map by the County of Orange.

This statement will take effect upon the date upon which the County of Orange approves the map as technically correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

CITY CLERK CITY OF HUNTINGTON BEACH

(SEAL)

By \_\_\_\_\_ (Deputy)

*signature*

\_\_\_\_\_  
*print name*

E-4.13

**INTENTIONALLY  
LEFT  
BLANK**